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JC20 Rec'd PCT/PTO 30 SEP 2005

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Legal Office

In re Application of  
WANLASS, Mark W.  
Application No.: 10/932,375  
Filing Date: Unknown  
Attorney Docket No.: NREL 01-52  
For: MONOLITHIC, PHOTOVOLTAIC  
ENERGY CONVERSION DEVICE

DECISION

This decision is in response to applicant's petition filed on 28 July 2005 requesting to convert the above-captioned application to a national stage application pursuant to 35 U.S.C. 371 which is hereby **DISMISSED** as follows:

Applicant claims that the above-captioned application was mistakenly filed under 35 U.S.C. 111(a) and requests to convert to a national stage application.

A review of the application file verifies that it was properly filed and processed by the USPTO under 35 U.S.C. 111(a) as one of the two transmittal letters was a PTO/SB/05 which stated under the title that it is "Only for new nonprovisional applications under 37 CFR 1.53(b)." As such, this is a clear case of conflicting instructions and the Office properly processed the above-identified application under 35 U.S.C. 111(a).

Nonetheless, applicant's petition to convert the application will be considered. This is treated as a petition under 37 CFR 1.182. The \$400.00 petition fee has been charged to Deposit Account No. 14-0460 as authorized.

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will **only** grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where **no** other remedy is available.

In the present case, applicants have another remedy available.

Applicants could enter the national stage of PCT/US02/05781 by filing a national stage application with a petition under 37 CFR 1.137(b) and the appropriate petition fee. Therefore, applicant's request to convert will not be granted.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

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U.S. Application No. 10/932,775

This application is being forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a).



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